

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1709.01
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: March 12, 2001
DATE OF REPORT: April 5, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: May 3, 2001

COMPLAINT ISSUES:

Whether the Southwestern-Jefferson County Consolidated Schools and the Madison Area Educational Special Services Unit violated:

511 IAC 7-26-12(c) with regard to the school's alleged failure to provide specialized inservice training to professionals and paraprofessionals working with a student with an other health impairment.

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to provide weekly progress reports.

511 IAC 7-27-7(b) and 511 IAC 7-17-72 with regard to the school's alleged failure to ensure the student's teacher of record regularly monitored the student's IEP and provided progress reports to the parent.

FINDINGS OF FACT:

1. The student is thirteen years old, attends the seventh grade, and has been determined eligible for special education due to a learning disability. An adaptive behavior evaluation is being conducted to determine if the student has a secondary disability of other health impairment. Parental consent for the evaluation was received by the school on March 13, 2001. The director reports a case conference committee meeting will be convened to discuss the results of the evaluation once they are obtained.
2. The duration of the student's IEP dated March 2, 2000, is from March 3, 2000, to March 3, 2001. The accommodations page of the IEP indicates the parent will be provided with weekly progress reports by e-mail. The IEP does not indicate who is responsible for supplying the parent with these reports. Copies of e-mails reflect that the first time the parent was ever informed of the student's progress in school was December 8, 2000. Since December 8th, the parent has been informed of the student's progress on nine other occasions based on e-mails provided by the director. Five other e-mails from the teaching staff to the parent regarding the student's progress were provided; however, these e-mails were not dated. The director acknowledges that the school has failed to provide the parent with weekly progress reports as specified in the IEP dated March 2, 2000. The student's current IEP does not require the school to provide the parent with weekly progress reports by e-mail.

CONCLUSIONS:

1. Finding of Fact #1 reflects the student has not been determined eligible for special education under the category of other health impairment. Therefore, the school is under no obligation to provide specialized inservice training to professionals and paraprofessionals working with the student. No violation of 511 IAC 7-26-12(c) is found.
2. Finding of Fact #2 indicates the school failed to provide the parent with weekly progress reports as specified in the IEP dated May 2, 2000. Therefore, a violation of 511 IAC 7-27-7(a) is found.
3. Finding of Fact #2 reflects the student's teacher of record failed to regularly monitor the student's IEP and provide progress reports to the parent. Therefore, violations of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 are found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Southwestern-Jefferson County Consolidated Schools and the Madison Area Educational Special Services Unit shall:

1. Send a memorandum to the student's teacher of record to remind him/her of the teacher of record requirements specified in 511 IAC 7-27-7(b) and 511 IAC 7-17-72. Submit a copy of the memorandum to the Division no later than May 4, 2001.
2. Submit a letter of assurance to the Division no later than May 4, 2001, that ensures all IEPs developed for the student will be implemented as written. The letter of assurance shall be signed by the student's teacher of record and the director.

DATE REPORT COMPLETED: April 5, 2001